GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Tribal Welfare Department – Appeal petition filed by Sri Palagiri Srinivasaulu S/o Venkateswarlu, R/o Kandukur (V & M) Prakasam District - against the proceedings Rc.C4/8734/94, dt.08.05.2004 of the District Collector, Prakasam- under Section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) - Regulation of Issue of Community Certificates Act, 1993 (AP Act No.16/1993) – Appeal Petition dismissed – Orders -Issued.

TRIBAL WELFARE (CV2) DEPARTMENT

G.O.MS.No. 15 Dated: 15-02-2018

Read the following:

1. Proceedings of the Dist. Collector, Prakasam, Rc.C4/8734/94, dt.08.05.2004.
2. Appeal Petition from Sri Palagiri Srinivasaulu S/o Venkateswarlu, R/o Kandukur (P & M) Prakasam Dist., dt.29.10.2004.
3. Govt. Memo No. 10282/CV.2/2004, S.W.(CV.2) Dept., dt.06.01.2005 .
4. Order of the Hon'ble High Court of A.P., Hyderabad in W.P.No.8135/2005, dated 12.04.2005.
5. From the District Collector, Prakasam, Lr.Rc.No.C5/234/2005, dt.14.05.2005.
6. Govt. Memo No.10282/CV.2/2004, dated 22.09.2006, 11.10.2006, 05.06.2007 & 02.08.2007.
7. Govt. Letter No.10282/CV.2/2004, dated 14.08.2008 &10.06.2010.
8. Govt. Memo No.10282/CV.2/2004, dated 31.08.2013, 27.06.2015,17.11.2015,07.12.2016,12.01.2017& 29.05.2017.
9. Written arguments filed by the appellant through his Counsel before the Appellate Authority on 05.08.2017.

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ORDER:`

In the reference 1st read above, the District Collector, Prakasam has issued orders canceling the ST –Kammara caste Certificate obtained from the then Mandal Revenue Officer, Kandukur, in the year 1994 by Sri Palagiri Srinivasaulu S/o Venkateswarlu.

2. In the reference 2nd read above, Sri Palagiri Srinivasaulu S/o Venkateswarlu, has filed an Appeal Petition before the Government, against the Proceedings of the District Collector, Prakasam. After examining the said Appeal Petition, Government have admitted the Appeal Petition and stay rejected and called for the parawise remarks and connected records from the District Collector, Prakasam in the reference 3rd read above.

3. In the reference 4th read above, Sri Palagiri Srinivasaulu S/o Venkateswarlu, has filed W.P.No.8135/2005 before the Hon'ble High Court, against the Govt. Memo No.10282/CV.2/2004-1, dated 06.01.2005 and proceedings of the District Collector, Prakasam dated 08.05.2004. The Hon'ble High Court of Andhra Pradesh, Hyderabad while disposing the said W.P. on 12.04.2005 has directed the Government to pass appropriate orders in the appeal within a period of two months from the date of receipt of the order, till then, status quo with regard to the service of the petitioner as on today shall be maintained. But due to several administrative difficulties the matter could not be disposed before the said date however, after giving notices from time to time to the appellant through his counsel the matter has been examined by the Appellate Authority.

4. In the reference 5th read above, the District Collector, Prakasam has furnished the Parawise remarks and the connected records on the Appeal Petition filed by Sri Palagiri Srinivasaulu S/o Venkateswarlu.

[P.T.O]

5. The said Appeal Petition has been posted for hearing on 29.09.2006, 28.10.2006, 14.06.2007, 16.08.2007, 23.08.2008, 25.06.2010, 12.09.2013, 25.07.2015, 28.11.2015, 24.12.2016, 24.01.2017, 17.06.2017, 15.07.2017 and finally on 05.08.2017 and the same has been informed to the Appellant and the Counsel for the Appellant in the references 6th to 8th read above, and they were requested to attend for the hearing along with all Documentary Evidences/ Certificates in support of the community claim, failing which, it will be construed that there is no explanation what-so-ever to furnish in the matter and that the case will be decided based on the material available with the Government. In the reference 9th read above, the appellant has filed written arguments through his Counsel before the Appellate Authority in support of his ST-Kammara community claim.

6. After hearing both the sides and on perusal of the records/ the copies of evidences/academic record/ grounds filed by the Appellant / the parawise remarks submitted by the District Collector, Prakasam and proceedings of the District Collector, Prakasam dated 08.05.2004, the Appellate Authority has observed that:

I. The appellant in his grounds has stated that he hails from ST-Kammara community and his entire family is following the customs of ST-Kammara community. He has also stated that the Assistant Collector, has simply confirmed that he is not belongs to “ST-Kammara” , relied on the entries in the Birth & Death Registers, which were very old record and found that the persons having surname Palagiri was entered in the Register under caste by Kammari. Further he has stated that the people are uneducated and they have no knowledge what has been entered in the Register and it is only a spelling mistake.

II. The District Level Scrutiny Committee is observed that the MRO, Gudur has conducted enquiry on the caste status claim of the Appellant and he observed that as per the old Birth and Death registers the persons having surname Palgiri was entered under the caste Kammari which his recognized as BC-B, he visited the house of the Appellant along with his Cousin, at the time of his visit he found iron implements etc in his house and reported that the Appellant belongs to BC but not ST Kammara. The Appellant produced school records which shows that he belongs to Kammara caste but not ST Kammara at the time of admission into school records. The Assistant Collector, has reported that ethnically and culturally the Kammara’s living the in the plain areas are quite different from the Kammara living in the Scheduled Areas despite their similar traditional occupations. The same has observed by DLSC, at the time of hearing the traditional occupation mentioned by the Appellant in his statement are quite different to that of the Kammaras living in the Scheduled areas and also the statement given by the Secretary and Treasurer of AP Kammara Thega ST Samkshema Sangam, Vijayawada wherein they have stated that the Appellant belongs to Kammara ST and their Ancestors migrated from Agency area is not correct and he has not produced any documents in support of his claim. Based on the DLSC findings the Dist. Collector has cancelled the appellants ST- Kammara Caste Certificate .

III. Under section 6 of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (AP Act No.16/1993) the burden of proof lies on the Appellant only.

IV. The Appellate Authority is observed that during the course of arguments that the counsel for the appellant filed written arguments along with several documents and also submitted his arguments stating that the Kammara tribe can be identified even other areas of the State both in agency tracks as well as non-agency tracks and the identification of Kammara should be based on the enquiry in respect of their traditional customs, manners and place of habitation etc., and the State Government prescribed measures to identify of Kammara and further stated that the father of the appellant was

[Contd…on P.3]

migrated from the tribal area to eke out livelihood and did caste profession and prayed that the appellant is belongs to Kammara Tribe Caste. On verification of the written arguments and the documents and the grounds of appeal and Para wise remarks as well as the other documents and material available on the record it is noticed that an earlier by the note order dt.22.08.2007 it is resolved in a meeting to constitute a study the issuing caste certificates to Kammara and for reports. Accordingly, the report was received from the Director of Tribal Welfare. As seen from the report from the Tribal welfare and relevant documents it is observed the appellant failed to prove that their ancestors were migrated from agency area and further the enquiry reports for verification of surname the old birth and death registers containing the caste as Kammari which is BC. That, further it is observed as per the record that the appellant failed to discharge his burden by producing evidence that he belongs to Kammara ST caste to support his claim and as seen from the totality of the case more particularly the study report of concerned it can be safely concluded that the appellant not belongs to Kammara ST caste as claimed by him. That taking consideration of the above and the material available on the record that it can be concluded that the lower authority passed the order as per law which does not deserve any interference.

7. In view of the several reasons recorded in the paras supra, the Government, in exercise of the powers conferred under Section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (Act No16 of 1993), decide that the appeal petition filed by Sri Palagiri Srinivasaulu S/o Venkateswarlu, does not deserve any interference. Hence, Proceedings of the District Collector, Prakasam issued vide Rc.C4/8734/94, dt.08.05.2004, is hereby upheld and the Appeal Petition filed by Sri Palagiri Srinivasaulu S/o Venkateswarlu, is hereby dismissed and the Certificate issued by the then Mandal Revenue Officer, Kandukur deemed to be cancelled .

8. The District Collector, Prakasam is directed to take necessary consequential action in the matter.

9. The records (containing No.R.Dis.C4/8734/94, dt.08.05.2004, pages CF: 1-85 & NF: 1-21) received from the District Collector, Prakasam through in the reference 5th read above, are returned herewith in original to the District Collector, Prakasam and he is requested to acknowledge the receipt of the same, immediately.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

S.S. RAWAT
PRINCIPAL SECRETARY TO GOVERNMENT

To
The District Collector, Prakasam.
(with original records) (BY RPAD)

The M.R.O., Kandukur Mandal, Prakasam

Sri Palagiri Srinivasaulu S/o Venkateswarlu, R/o Nancharamma Colony,
Kandukur (P & M) Prakasam District.

Sri J. Suresh Babu,
Smt. V. Grece Kumari, Advocates,
(through the appellant)

Copy to :
The Director, TCR& TI, AP, Amaravathi.
The PS to M(SWE& TWE).
The PS to Prl. Secretary(SW&TW).

// FORWARDED:: BY ORDER //

SECTION OFFICER